

CITY AND COUNTY OF SAN FRANCISCO

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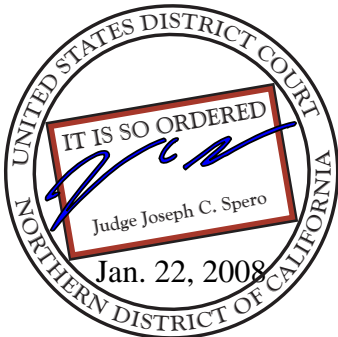
Hon. Joseph C. Spero
15th Floor, Courtroom A
U.S. District Court for the Northern District
350 Golden Gate Avenue
San Francisco, CA 94102

Re: ***Lelaind v. CCSF et al,***
Case No. 06-5870 MHP (JCS)

Dear Judge Spero:

I am a Deputy City Attorney representing the City defendants in this case. I am writing concerning the second mandatory settlement conference that is now scheduled for January 23. I believe that the Court scheduled this second session expecting that the outcome of the hearing on the City's motion for summary judgment, which was set for January 7, might help bring about a settlement. On January 2, however, Judge Patel issued an order vacating the January 7 summary judgment hearing. (Mem. & Order Re: Defendants' Mtn. for SJ and Plt's Motion to Permit Late Filing of SJ Opposition Brief (Docket No. 77). For the reasons described in the order, Judge Patel granted the City additional time to file a supplemental reply brief, and also informed the parties that once the City files this brief, the matter would be deemed submitted without a hearing. The City anticipates filing the supplemental brief on January 22 or 23.

Consequently, it seems certain that no ruling on the City's summary judgment motion will issue before January 23, the current date for the settlement conference. Assuming that the Court did not intend to hold conference before the City's motion was resolved, I respectfully suggest that the Court continue the conference pending a ruling on the motion. I have not spoken with my opposing counsel concerning this matter, but at least from the City's perspective, there is no meaningful chance of settling this case before the City's motion is decided one way or another.



Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/

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Magistrate Spero's Chambers will contact counsel to calendar a Telephonic Scheduling Conference to determine a new Settlement Conference date.